



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nancy J. Gettens Art Unit: 2873
Serial No.: 09/966,179 Examiner: Timothy J. Thompson
Filed: September 28, 2001
For: SHAPED PLASTIC LENSES AND METHOD FOR MAKING THE
SAME

Waltham, Massachusetts 02451
April 30, 2003

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Office Action mailed April 17, 2003 in the above-identified application for Letters Patent.

The Examiner has made a requirement for restriction among the following groups of claims:

- I. Claims 1 – 6 drawn to a method of making a plastic lens, classified in class 264, subclass 2.4; and
- II. Claims 7 – 11 drawn to a lens, classified in class 359, subclass 708.

In support of the requirement, it is asserted that these groups of claims are related as process of making and product made. The Examiner has concluded that because of this relationship of the respective groups of claimed subject matter and because the respective groups of claims have different classification, restriction for purposes of examination is proper.

Applicant traverses this restriction requirement and requests reconsideration thereof. The subject matter of each of the respective groups of claims is so closely related as to warrant examination of all the claims in the present application.

Whether to require restriction in any application is discretionary with the United States Patent and Trademark Office (“USPTO”). Here, the method of applicant, as recited in claims 1 – 6, is directed to the formation of a shaped plastic

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lens such as is recited in claims 7 – 11. The method of applicant includes heating and pressing a lens blank of substantially uniform thickness between opposed concave and convex platens, inter alia, to deform the lens blank and form a shaped lens.

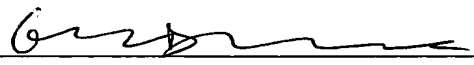
The Examiner has stated that the shaped lens recited in claims 7 – 11 can be made by a method other than that of applicant as recited in claims 1 – 6. The Examiner has asserted that the lens could be made by grinding the lens material. Although a shaped lens such as that recited in claims 1 – 6 could hypothetically be made by grinding a lens blank of substantially uniform thickness, this should not be dispositive of whether to require restriction in the application.

Here, the two groups of claimed subject matter could be examined conveniently by the USPTO in this application with one search since all the claimed subject matter is so closely related. Applicant therefore respectfully requests that the requirement for restriction be withdrawn and that all the claims be examined in this application.

Nevertheless, should the Examiner continue to assert the restriction requirement, applicant hereby makes a provisional election of the claims of Group I (1-6) for examination without prejudice to her rights under 37 C.F.R. §1.181 and 35 U.S.C. §120.

Respectfully submitted,

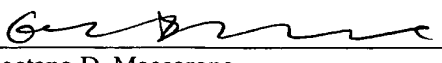
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: April 30, 2003


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